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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91203706
Party	Defendant Washington Place LLC
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Attachments	N552_Applicant's Response to Opposer's Motion to Compel & Cross Motion to Compel_130319.pdf ( 10 pages )(35655 bytes ) N552_Exhibits to Applicant's Opposition to Mot to Compel & Cross Mot to Compel_130319.pdf ( 50 pages )(1660167 bytes )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Chatham Imports, Inc.

Opposer/Respondent/Petitioner,

v.

Washington Place LLC

Applicant/Petitioner/Respondent.

Opp. No.: 91203706

Serial No. 77962565

Registration No. 3,829,294

Registration No. 3,899,559

**WASHINGTON PLACE LLC'S OPPOSITION TO OPPOSER'S MOTION TO COMPEL  
AND CROSS MOTION TO COMPEL A RESPONSE TO APPLICANT'S  
INTERROGATORY NO. 32**

Applicant, Washington Place LLC ("Washington"), respectfully submits this opposition to Opposer's, Chatham Imports, Inc. ("Chatham"), Motion to Compel, pursuant to 37 C.F.R. § 2.127(a). Additionally, Washington submits a Cross Motion to Compel Chatham's response to Washington's Interrogatory No. 32, pursuant to Federal Rule of Civil Procedure 33 and 37 C.F.R. § 2.120(e). Washington requests that the Board issue an Order denying Chatham's Motion to Compel and compelling Chatham to answer Interrogatory No. 32 of Washington's First Set of Interrogatories that were served on September 28, 2012<sup>1</sup>.

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<sup>1</sup> The rules provide for suspension of the proceedings while the Board decides Chatham's Motion to Compel. However, the Board routinely chooses to jointly decide cross-discovery disputes concurrently to avoid the delay of a second round of motion practice and suspension. Washington therefore requests that the Board consider its Cross Motion to Compel and asks that the proceedings continue to be suspended until Washington's Motion is resolved. In the alternative, if the Board prefers, Washington will file a separate Motion to Compel immediately after adjudication of Chatham's Motion.

## **Washington's Opposition to Chatham's Motion to Compel**

### **I. Washington's Answer to Chatham's Interrogatory Nos. 8 and 9 Would Exceed the Statutory Limit Imposed by C.F.R. § 2.120(d)**

Chatham's Interrogatory Nos. 8 and 9 request that for each separate product (not just each type of product) that Washington has used or intends to use its KNOW THY FARMER mark in connection with, that Washington provide information responsive to thirteen (13) different inquiries. For some of the inquiries contained in Interrogatory Nos. 8 and 9, there are even additional sub-categories among the sub-categories of information sought with respect to each and every good. This overly broad request does not even limit the information to just goods listed in Washington's KNOW THY FARMER pleaded registration or the opposed application in this proceeding.<sup>2</sup> Since each subpart requests different types of information as it relates to every one Washington's different products, each subpart is a separate inquiry and should count as a separate Interrogatory for each product. Washington properly objected to Interrogatory Nos. 8 and 9, as exceeding the limit imposed by C.F.R. § 2.120(d), within its time to respond to the Interrogatories.

For example, the information sought in Interrogatory No. 8,<sup>3</sup> would be different as applied to Washington's fruit preserves than it would be for its pickled vegetables. If Washington were to answer Interrogatory No. 8 regarding its fruit preserves, it would be required to provide: the date that it began providing fruit preserves; the annual dollar amount of sales for

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<sup>2</sup> Washington timely raised its objections that Interrogatory Nos. 8 and 9 were overly broad and unduly burdensome in its response to Chatham's First Set of Interrogatories dated November 9, 2012.

<sup>3</sup> Chatham's Interrogatory No. 8, separated into numbered subparts, asks Washington to provide the following information with respect to each product sold under its KNOW THY FARMER mark: (1) the date on which Washington commenced, or intend to commence, providing such product; (2) the annual dollar and (3) unit volume of sales for such product; (4) the annual advertising expenditures and/or (5) budget for such product; (6) the geographical areas in which such product has been or will be provided; (7) the channels of trade within which such product has been or will be provided; (8) the target customer for such product; and (9) the average price Washington charges, or intends to charge, for such product.

fruit preserves for each year since the date it began providing the product (which would, for example, be a separate figure for 2005, 2006, 2007, 2008, etc. for just this subpart); the annual unit volume of sales of fruit preserves for each year since the date it began providing the product; the annual advertising expenditures for fruit preserves for each year since it began providing the product; the annual advertising budget for fruit preserves for each year since it began providing the product; the geographical areas that its fruit preserves are provided; the channels of trade that it distributed fruit preserves; the target consumers for its fruit preserves; and the average price that Washington charges for its fruit preserves. Washington would then have to answer each of these subparts again for its pickled vegetables, and then answer all of the same questions again for another twenty-three (23) products. And this just includes the products listed in its registration. However, since these Interrogatories are not limited to the goods listed in the registration, all of the above-mentioned information would have to be provided again for each product that Washington sells.

Using the fruit preserves example above, Interrogatory No. 9<sup>4</sup> then asks Washington to provide: the date of first use of the KNOW THY FARMER trademark in connection with fruit preserves; an identification of all documents that mention or refer to use of the KNOW THY FARMER mark in connection with fruit preserves; an identification of all documents that relate to Washington's use of the KNOW THY FARMER mark in connection with fruit preserves; and an identification of all documents that demonstrate use of the KNOW THY FARMER mark in connection with fruit preserves.

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<sup>4</sup> Chatham's Interrogatory No. 9, separated into numbered subparts, asks Washington to provide the following information with respect to each product sold under its KNOW THY FARMER mark: (1) the date of first use; (2) identification of all documents that mention, refer, or (3) relate to Washington's use of the phrase "KNOW THY FARMER" in connection with that product; (4) or that demonstrate the use of the phrase "KNOW THY FARMER" in connection with that product.

As mentioned above, each of these inquiries would be entirely different with regard to each product that Washington offers in connection with the KNOW THY FARMER mark. If Washington were to respond to Interrogatory Nos. 8 and 9 with respect to each of the twenty-five (25) goods in one of its registrations, Washington would have to make three hundred and twenty-five (325) separate inquiries (not including the additional subparts that request information on a yearly basis). Furthermore, this number does not take into account the information requested for all of the goods that Washington has used the KNOW THY FARMER mark in connection with, but not yet sought a registration. Therefore, since each product requires a distinct answer, each subpart of Interrogatory Nos. 8 and 9, as applied to each product, should be treated as a separate interrogatory.

II. Interrogatory Nos. 8 and 9 Are Overly Broad and Chatham Has Not Demonstrated that the Relevance of this Information Outweighs the Burden Placed on Washington to Respond

Separate from (as well as incorporated into) its objection that Interrogatory Nos. 8 and 9 exceed the seventy-five (75) limit, Washington also objected that the Interrogatories were overly broad and unduly burdensome. *See* Washington's Response to Chatham's First Set of Interrogatories attached to this Motion as "Exhibit A" for Washington's General Objection Number 9 and Washington's Specific Objections to Interrogatory Nos. 8 and 9. Washington's objection that Interrogatory Nos. 8 and 9 are overly broad is supported by the fact that Chatham makes thirteen (13) individual requests relating to each product. Washington renewed its objections to Interrogatory Nos. 8 and 9 in its January 29, 2013, letter to Chatham's counsel. Additionally, Chatham has not demonstrated that the alleged relevance of this information outweighs the undue burden that Washington must bear in order to produce such information.

Most of the information requested by Interrogatory Nos. 8 and 9 is unnecessary to Chatham's inquiry regarding priority and likelihood of confusion. The parties' arguments regarding likelihood of confusion must only be supported by showing that confusion is likely to occur between one of Washington's goods and Chatham's goods. *See Hawkins v. Green Res. Group, LLC*, Opposition No. 91190109, 2012 TTAB LEXIS 219, 20-21 (June 12, 2012) ("in order to sustain an opposition, it is only necessary that we find likelihood of confusion with respect to at least one item in each class of applicant's goods or services"). Thus, the information that Chatham requests, relating to each of Washington's products, is unnecessary and Washington should not be forced to answer each of the subparts of Interrogatory Nos. 8 and 9 on such a detailed and microscopic level.

Furthermore, Chatham's argument that Washington has requested similar information from Chatham is misplaced. Chatham only offers one product for sale under the FARMER'S mark. Therefore, Washington's Interrogatory does not conflict with the numerical restrictions imposed by 37 C.F.R. § 2.120(d)(1) and it is not unduly burdensome for Chatham to comply with such a request. Washington, likewise, would not object to providing this information for one or two goods, or even for categories of goods. However, applying this information to all of Washington's individual products is entirely unreasonable. A reasonable resolution of this matter (as Washington attempted to reach with Chatham before the filing of this motion) could require a response to either: (i) just categories of products (e.g. beverages); or (ii) a limited agreed-upon number of goods. Washington remains willing to explore resolution of a narrowed scope to these Interrogatories.

III. Washington Lodged a Timely Objection to Chatham's Interrogatory Nos. 8 and 9 Based on the Numerical Limit Imposed by C.F.R. § 2.120(d)

Washington timely lodged an objection on November 9, 2012, that Chatham's Interrogatories exceeded the limit imposed by 37 C.F.R. § 2.120. *See* Exhibit A. In particular, Washington objected that a literal interpretation of Chatham's Interrogatory Nos. 8 and 9, as applied to each good, would require Washington to respond to over three hundred (300) inquiries. Washington inquired whether Chatham would cooperate in reaching a reasonable resolution regarding the dispute over Interrogatory Nos. 8 and 9 such as limiting the scope of the Interrogatories prior to Chatham's filing of this Motion to Compel.<sup>5</sup> However, Chatham refused to limit these Interrogatories and rested only on its argument that Washington's objection to Interrogatory Nos. 8 and 9 was untimely, or procedurally defective.

But Washington's objection was timely. Moreover, rather than delay providing any responses to Chatham's Interrogatories, Washington, in good faith, chose to answer the remaining Interrogatories while simultaneously proposing to Chatham that the parties reach an agreement on a reasonable scope of the two disputed Interrogatories. Now, Chatham wants to use Washington's good faith attempt to respond to Chatham's remaining Interrogatories to penalize Washington, arguing that its objection has been waived. However, such a result would elevate form over substance and would make no sense.

Washington elected to take the more productive route to move forward in discovery; Washington should not be penalized for providing information responsive to the other Interrogatories and making its timely objection to Interrogatory Nos. 8 and 9 in a good faith effort to resolve the discovery dispute.

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<sup>5</sup> *See* January 29, 2013, Letter to Ms. Stitt attached to this Motion as "Exhibit B."

In any event, even if an objection is deemed waived, the Board still retains discretion to deny discovery when it would be unfair or unduly burdensome. *See, Amir Ath., LLC v. State Farm Fire & Cas. Co.*, 2012 U.S. Dist. LEXIS 19366 (E.D. La. 2012) (“Of course, the court retains discretion to decline to compel requested discovery when the request far exceeds the bounds of fair discovery, even if a timely objection has not been made”); *see also Siddiq v. Saudi Arabian Airlines Corp.*, 2011 U.S. Dist. LEXIS 151474, 8-9 (M.D. Fla. 2011) (“Even if a party has waived its objections by voluntarily answering or clearly delineating its partial response, the court may still deny a motion to compel when the discovery request exceeds the bounds of fair discovery”).

Had Chatham genuinely believed that it was prejudiced by Washington’s decision to answer the remaining Interrogatories, Chatham could have accepted Washington’s proposal to withdraw its answers to the remaining Interrogatories and proceed only with the objection that Interrogatory Nos. 8 and 9 exceeded the numerical limit imposed by C.F.R. § 2.120(d). Absent such prejudice, Washington should not be made to suffer for its good faith attempt to comply with the general spirit of Federal Rules of Civil Procedure 1 and 26, which require that discovery proceed promptly and cooperatively.

#### IV. Conclusion

For the reasons set forth above, Washington respectfully requests that the Board enter an Order denying Chatham’s Motion to Compel responses to Interrogatory Nos. 8 and 9, and enter an Order that applies a reasonable interpretation of these Interrogatories: for example, each of the thirteen (13) subparts (and sub-subparts) should be answered based on categories of goods and services, and not for every single good sold by Washington.



## **Washington's Cross Motion to Compel A Response to Interrogatory No. 32.**

### **I. Background**

Chatham has not provided a full and accurate response to Interrogatory No. 32. Interrogatory No. 32 asks Chatham to “[i]dentify the meaning, definition and connotation of Chatham’s Mark.” Instead of providing a full and accurate response to Interrogatory No. 32, Chatham objected to this Interrogatory as “vague and ambiguous with respect to the phrase the meaning, definition and connotation,” and went on to respond that “[t]he FARMER’S Mark is the possessive form of the word farmer.”<sup>6</sup> After a good faith effort to resolve this matter with Chatham, Washington moves the Board to compel a complete response to Interrogatory No. 32.

### **II. Information Regarding the Meaning, Definition and Connotation of the FARMER’S Mark is Relevant to the Likelihood of Confusion Analysis and Washington’s Argument for Cancellation**

Chatham has challenged Washington’s mark on the ground of likelihood of confusion with Chatham’s FARMER’S mark. Additionally, likelihood of confusion and descriptiveness have also been pleaded by Washington (counterclaimant) against Chatham’s FARMER’S mark.

The first factor in the analysis of whether there is a likelihood of confusion between Chatham’s FARMER’S mark and Washington’s KNOW THY FARMER mark depends on the “similarity or dissimilarity of the marks in their entireties as to appearance, sound, connotation and commercial impression.” *Embarcadero Techs., Inc. v. RStudio, Inc.*, Opposition No. 91193335, 2013 TTAB LEXIS 6, at \*32, (February 14, 2013) (precedential opinion) (emphasis added) (citing *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 177 USPQ 563 (CCPA 1973)).

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<sup>6</sup> See Chatham’s Responses to Washington’s First Set of Interrogatories attached to this Motion as “Exhibit C” (alterations added) (internal quotations omitted).

Section 2(e)(1) of the Lanham Act allows for cancellation of a trademark that merely describes the goods that the mark is used in connection with. *See generally ChaCha Search, Inc. v. Grape Technology Group, Inc.*, Opposition No. 91195901, 2012 TTAB LEXIS 490 (December 27, 2012) (precedential opinion). Moreover, a mark is considered descriptive “if it describes a significant characteristic, feature, element, quality, attribute, or function of the goods to which applied.” *In re Application of Diagnostic Products Corporation*, Serial No. 133879, 1982 TTAB LEXIS 31 (November 15, 1982) (citing *In re Abcor Development Corporation*, 200 U.S.P.Q. 215 (CCPA 1978) and cases cited therein)).

Therefore, information regarding the meaning, definition and connotation of Chatham’s mark is relevant to both of Washington’s counterclaims for cancellation, and to Washington’s arguments regarding no likelihood of confusion. Since this information is relevant, Washington is entitled to a full and accurate response to Interrogatory No. 32.

### III. Conclusion

For the reasons set forth above, Washington respectfully requests that the Board enter an Order compelling Chatham to provide a complete and meaningful answer to Interrogatory No. 32.

Respectfully Submitted,

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*Attorneys for Washington Place, LLC*

Dated: March 19, 2013

CERTIFICATE OF SERVICE

I, Govinda M. Davis hereby certify that on March 19, 2013, a copy of the foregoing **Reply to Opposer's Motion to Compel and Cross Motion to Compel** was served, via First Class Mail, postage pre-paid, on Chatham Imports Inc.'s attorney of record at the following address:

Tracy A. Stitt  
Jones Day  
51 Louisiana Avenue NW  
Washington, DC 20001  
tastitt@jonesday.com

/Govinda M. Davis/

# EXHIBIT A

Chatham Imports, Inc. v. Washington Place LLC  
Opposition No. 91203706

Exhibit to Washington Place LLC's Reply to Opposer's Motion to Compel and Cross Motion to Compel  
a Response to Applicant's Interrogatory No. 32, offered by Applicant, Washington Place LLC

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Chatham Imports, Inc.

Opposer,

v.

Washington Place LLC  
Applicant.

Opp. No.: 91203706

Serial No. 77962565

Registration No. 3,829,294

Registration No. 3,899,559

**APPLICANT'S RESPONSE TO OPPOSER'S FIRST SET OF INTERROGATORIES**

Applicant, Washington Place LLC ("Washington Place" or "Applicant"), hereby serves its Objections and Responses to Opposer's First Set of Interrogatories pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure.

**GENERAL OBJECTIONS**

1. Applicant objects to each and every interrogatory in its entirety on the ground that Applicant is responding on the basis of its current knowledge and information. Applicant reserves the right to supplement each of its interrogatories.
2. Applicant objects to each and every request insofar as and to the extent it seeks information protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege or immunity, and will not produce such information. Any

inadvertent disclosure of such information shall not be a waiver of the attorney-client privilege, the work product doctrine, or any other applicable privilege or immunity.

3. Applicant objects to each and every request insofar as and to the extent it seeks divulgence of trade secrets, confidential or proprietary information of any third-party, such information will not be disclosed. To the extent each and every request seeks divulgence of such information of Applicant; such information will not be disclosed without an appropriate protective order.
4. Applicant objects to each and every request to the extent it seeks production of information relating to or revealing proprietary development activities for Applicant products not yet manufactured or not yet on sale or otherwise available to the public. The slight relevance, if any, of such highly confidential trade secret information is vastly outweighed by the severe prejudice that would result to Applicant were it to be disclosed or available to competitors of Applicant. Applicant will not provide such information.
5. Applicant objects to each and every request to the extent it calls for information neither relevant to the subject matter of this Action nor reasonably calculated to lead to the discovery of admissible evidence.
6. Applicant objects to Opposer's definitions in their entirety to the extent same seeks to impose obligations on Opposer beyond those permitted by the Federal Rules of Civil Procedure of the Local Rules applicable to this matter.
7. Applicant objects to each and every request to the extent it calls for information that exceeds a reasonable durational scope.
8. Applicant objects to each and every document production request to the extent it calls for information not yet available as these responses are made during the discovery process.

Applicant reserves the right to supplement responses when the information becomes available.

9. Applicant objects to each and every interrogatory to the extent it is overly broad, vague and ambiguous, unduly burdensome or not reasonably calculated to lead to the discovery of admissible evidence.
10. Applicant objects to each and every interrogatory and request for production to the extent it is duplicative.
11. Applicant objects to each and every interrogatory to the extent that it is not limited in geographic scope.

### **OBJECTIONS AND RESPONSES**

**INTERROGATORY NO. 1:** Identify the persons most knowledgeable with respect to Applicant's conception, origination, consideration, selection, design and adoption of the KNOW THY FARMER Mark. For each person identified, their respective areas of knowledge should be briefly summarized.

**RESPONSE:** Applicant hereby incorporates by reference all of its General Objections. Notwithstanding and without waiving said objections, Applicant identifies Laureen Barber, Dan Barber and David Barber as the persons most knowledgeable with Applicant's conception, origination, consideration, selection, design and adoption of the KNOW THY FARMER Mark. Laureen Barber, Dan Barber and David Barber's area of knowledge includes conception of the KNOW THY FARMER Mark and presentation of the mark to Applicant's management team in April 2005.

**INTERROGATORY NO. 2:** Identify the persons most knowledgeable with respect to Applicant's past, current, proposed or contemplated use in the United States of the KNOW THY FARMER Mark, including all uses of the Mark by Applicant, and dates of such use.

**RESPONSE:** Applicant hereby incorporates by reference all of its General Objections. Notwithstanding and without waiving said objections, Applicant identifies David Barber, Dan Barber, Laureen Barber, Adam Kaye, Irene Hamburger, Philippe Gouze, and Peter Bradley as the persons most knowledgeable with respect to Applicant's past, current, proposed or contemplated use in the United States of the KNOW THY FARMER Mark.

**INTERROGATORY NO. 3:** Identify the persons most knowledgeable with respect to Applicant's sales and advertising, promotion or marketing, or intended sales and advertising, promotion or marketing of goods and/or services in the United States under the KNOW THY FARMER Mark.

**RESPONSE:** Applicant hereby incorporates by reference all of its General Objections. Notwithstanding and without waiving said objections, Applicant identifies Peter Bradley as the person most knowledgeable with respect to Applicant's sales and intended sales and Irene Hamburger as the person most knowledgeable with respect to advertising, promotion or marketing, or intended sales and advertising, promotion or marketing of goods and/or services in the United States under the KNOW THY FARMER Mark.



**INTERROGATORY NO. 4:** Identify any formal or informal interviews, studies or surveys performed by or for you referring or relating to the use of the phrase “KNOW THY FARMER” in connection with any product.

**RESPONSE:** Applicant hereby incorporates by reference all of its General Objections. Notwithstanding and without waiving said objections, Applicant states that it has not conducted any interviews, studies or surveys referring to or relating to the use of the phrase “KNOW THY FARMER.”

**INTERROGATORY NO. 5:** Identify any formal or informal interviews, studies, or surveys performed by or for you relating to Opposer’s use of the FARMER’S Mark or intended to directly or indirectly measure the strength, recognition, or perception of the FARMER’S Mark.

**RESPONSE:** Applicant hereby incorporates by reference all of its General Objections. Notwithstanding and without waiving said objections, Applicant states that it has not conducted any interviews, studies or surveys referring to or relating to Opposer’s use of the FARMER’S Mark.

**INTERROGATORY NO. 6:** Identify any trademark search and/or investigation performed by or for you to ascertain whether your use of the KNOW THY FARMER Mark might infringe the trademark rights of others.

**RESPONSE:** Applicant hereby incorporates by reference all of its General Objections. Notwithstanding and without waiving said objections, Applicant states that a trademark search was conducted by Applicant’s former counsel prior to Applicant’s filing its trademark application for the KNOW THY FARMER Mark.

**INTERROGATORY NO. 7:** Describe the manner by which you first learned of Opposer's use of the FARMER'S MARK, including the date such knowledge was obtained and the identity of the persons who obtained such knowledge.

**RESPONSE:** Applicant hereby incorporates by reference all of its General Objections. Notwithstanding and without waiving said objections, Applicant states that it first learned of Opposer's use of the FARMER'S Mark in connection with this opposition proceeding and David Barber is the person who obtained such knowledge.

**INTERROGATORY NO. 8:** Identify all products in connection with which Applicant has used, or intends to use, the KNOW THY FARMER Mark. For each product identified:

- (a) state the date on which you commenced, or intend to commence, providing such product;
- (b) state the annual dollar and unit volume of sales for such product;
- (c) set forth the annual advertising expenditures and/or budget for such product;
- (d) describe the geographical areas in which such product has been or will be provided;
- (e) describe the channels of trade within which such product has been or will be provided;
- (f) set forth the target customer for such product; and
- (g) set forth the average price you charge, or intend to charge, for such product.

**RESPONSE:** Applicant hereby incorporates by reference all of its General Objections. Applicant further objects to this Interrogatory because Applicant's response would exceed the numerical limit of seventy-five (75) interrogatories that 37 CFR § 2.120(d)(1) imposes on Opposer.

**INTERROGATORY NO. 9:** For each product identified in response to Interrogatory No. 8, describe any and all use of the KNOW THY FARMER Mark in connection with that product, including, without limitation, the date of first use, the identification of all documents that mention, relate or refer to your use of the phrase “KNOW THY FARMER” in connection with that product, or that demonstrate the use of the phrase “KNOW THY FARMER” in connection with that product.

**RESPONSE:** Applicant hereby incorporates by reference all of its General Objections. Notwithstanding and without waiving said objections, Applicant directs Opposer to its response to Interrogatory No. 8.

**INTERROGATORY NO. 10:** State whether any labels for the goods in International Class 33 of the KNOW THY FARMER Application have been submitted and/or approved for use by any regulatory authority, including, without limitation, the State of New York, and the United States Alcohol and Tobacco Tax and Trade Bureau.

**RESPONSE:** Applicant hereby incorporates by reference all of its General Objections. Notwithstanding and without waiving said objections, Applicant states that labels for the goods in International Class 33 of the KNOW THY FARMER Application have been submitted and/or approved by a regulatory authority.

**INTERROGATORY NO. 11:** Identify all retail or wholesale stores, websites by URL, and any other outlets through which Applicant has marketed, promoted, or sold, or intends to market, promote, or sell, products or services bearing the KNOW THY FARMER Mark.

**RESPONSE:** Applicant hereby incorporates by reference all of its General Objections. Notwithstanding and without waiving said objections, Applicant states that it has marketed, promoted, or sold, or intends to market, promote, or sell, products or services bearing the KNOW THY FARMER Mark through the following outlets: Bluehillfarm.com, Terrain, Jack's Stir Brew Coffee, New York Mouth, Shelter Half, Gifts for the Good Life, Williams Sonoma, Foodzie, Gilt Taste, Whole Foods, Citarella, Gourmet Garage, Agata and Valentina, Fairway, Dean & DeLuca, Mrs. Green's, Zabar's, Eli's, Murray's Cheese, Guido's, Irving Farm, and Union Market.

**INTERROGATORY NO. 12:** Describe all advertising and promotional measures taken in advertising or promoting the sale of any products or services under the KNOW THY FARMER Mark, specifying each publication, radio station, television station, Internet website, or other advertising medium used in connection with such advertising or promotion and the date(s) on which such advertising or promotional activity occurred.

**RESPONSE:** Applicant hereby incorporates by reference all of its General Objections. Notwithstanding and without waiving said objections, Applicant states that it advertises and promotes the sale of products or services under the KNOW THY FARMER Mark through Apartment Therapy, Google Search Engine, Blogs and Editorial Outlets, Blue Hill Farm Blog, Facebook, Twitter, Foodzie, Williams Sonoma, and New York Mouth.

**INTERROGATORY NO. 13:** Identify any third parties that have assisted in the sale, offer for sale, promotion, manufacture, distribution, design, or other duty relating to the KNOW THY FARMER Mark or goods or services bearing the KNOW THY FARMER Mark.

**RESPONSE:** Applicant hereby incorporates by reference all of its General Objections. Applicant further objects to this Interrogatory as vague. Notwithstanding and without waiving said objections, Applicant directs Opposer to Applicant's responses to Interrogatories Nos. 11 and 12.

**INTERROGATORY NO. 14:** Identify any agreements between Applicant and any third party referring or relating to the KNOW THY FARMER Mark, including, without limitation, all licenses, assignments, or other agreements.

**RESPONSE:** Applicant hereby incorporates by reference all of its General Objections. Notwithstanding and without waiving said objections, Applicant states that it is not a party to any agreements with any third parties referring or relating to the KNOW THY FARMER Mark.

**INTERROGATORY NO. 15:** Identify and describe any periods of non-use of the KNOW THY FARMER Mark since the date of first use alleged in the KNOW THY FARMER Registration.

**RESPONSE:** Applicant hereby incorporates by reference all of its General Objections. Notwithstanding and without waiving said objections, Applicant states that there are no periods of non-use of the KNOW THY FARMER Mark.

**INTERROGATORY NO. 16:** Identify all facts and documents supporting your allegation that the FARMER'S Mark is merely descriptive, as set forth in paragraph 7 of your Counterclaim.

**RESPONSE:** Applicant hereby incorporates by reference all of its General Objections. Notwithstanding and without waiving said objections, Opposer's website states: "Why we call it Farmer's. In order to produce a flavorful organic gin, we sought out farmers dedicated to sustainability and preserving the earth. We found four farms growing organic crops that could help us create the highest quality organic gin. We think that there is no better way to honor our farmers than by naming our organic gin after them."

**INTERROGATORY NO. 17:** Identify all facts and documents supporting your allegation that the goods identified in International Class 33 in the KNOW THY FARMER Application are within the natural zone of expansion of the goods and services identified in the KNOW THY FARMER Registration, as set forth in paragraph 4 of your Counterclaim.

**RESPONSE:** Applicant hereby incorporates by reference all of its General Objections. Notwithstanding and without waiving said objections, Applicant states that it has earlier use of the KNOW THY FARMER Mark on related goods such as beverages, food and spices and has naturally expanded its use of the KNOW THY FARMER Mark to goods in international class 033.

**INTERROGATORY NO. 18:** Identify all facts and documents supporting your contention that no likelihood of confusion exists or will exist between the FARMER'S Mark and the KNOW THY FARMER Application.

**RESPONSE:** Applicant hereby incorporates by reference all of its General Objections. Further, Applicant objects to this Interrogatory on the basis that it is overly broad, unduly burdensome, seeks confidential, privileged and/or proprietary information, and does not comply with Federal Rule of Civil Procedure 34(b)(1)(A).

**INTERROGATORY NO. 19:** Identify all facts that you contend are contrary to the allegations contained in Opposer's Notice of Opposition and Counterclaim for Cancellation of the KNOW THY FARMER Registration.

**RESPONSE:** Applicant hereby incorporates by reference all of its General Objections. Further, Applicant objects to this Interrogatory on the basis that it is vague, overly broad, unduly burdensome, seeks confidential, privileged and/or proprietary information, and does not comply with Federal Rule of Civil Procedure 34(b)(1)(A).

**INTERROGATORY NO. 20:** Identify any affirmative defenses you intend to rely on in this proceeding, and the facts that support any such defenses.

**RESPONSE:** Applicant hereby incorporates by reference all of its General Objections. Notwithstanding and without waiving said objections, Applicant directs Opposer to its Answer and Counterclaims filed in response to Opposer's Notice of Opposition.

**INTERROGATORY NO. 21:** Set forth your retention policy for electronic mail, including the type of electronic mail system used, and identify any person, including yourself, who may have communicated via electronic mail concerning Applicant's use of the KNOW THY FARMER Mark.

**RESPONSE:** Applicant hereby incorporates by reference all of its General Objections. Notwithstanding and without waiving said objections, Applicant states that it does not have a retention policy for electronic mail.

**INTERROGATORY NO. 22:** For each Document Request set forth in Opposer's First Request for the Production of Documents, identify the person or persons who supplied responsive documents.

**RESPONSE:** Applicant hereby incorporates by reference all of its General Objections. Notwithstanding and without waiving said objections, Applicant states that David Barber, Laureen Barber, Irene Hamburger, Philippe Gouze, Peter Bradley, John Jennings, and Amanda Sisk supplied responsive documents to Opposer's First Request for the Production of Documents.

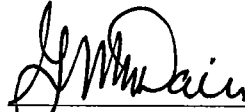
**INTERROGATORY NO. 23:** Identify every person supplying information or otherwise assisting in the preparation of Answer(s) to these Interrogatories. For each person identified, set forth the Interrogatory responses for which they supplied information or otherwise assisted in the preparation of Answer(s).

**RESPONSE:** Applicant hereby incorporates by reference all of its General Objections. Notwithstanding and without waiving said objections, Applicant states that David Barber,



Laureen Barber, Irene Hamburger, Philippe Gouze, Peter Bradley, John Jennings, and Amanda Sisk supplied information in response to preparation of this Answer to these Interrogatories.

Respectfully Submitted,



Jeffrey A. Lindenbaum

Govinda M. Davis

COLLEN IP

The Holyoke-Manhattan Building

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Ossining, New York 10562

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[gdavis@collenip.com](mailto:gdavis@collenip.com)

*Attorneys for Registrant*

Dated: November 9, 2012

JAL/GMD

CERTIFICATE OF SERVICE

I, Govinda M. Davis hereby certify that on November 9, 2012, a copy of the foregoing **Applicant's Response to Opposer's First Set of Interrogatories**, and **Applicant's Response to Opposer's First Requests for the Production of Documents** were served, via First Class Mail and e-mail, postage pre-paid, on Opposer's attorney of record at the following address:

Tracy A. Stitt  
Jones Day  
North Point  
901 Lakeside Avenue  
Cleveland, Ohio 44114  
tastitt@jonesday.com



**VERIFICATION OF APPLICANT'S RESPONSES TO OPPOSER'S FIRST SET OF  
INTERROGATORIES**

I, David Barber, President of Applicant Washington Place LLC, certify that I have read Opposer's First Set of Interrogatories and responses to same, and said responses are true to the best of my knowledge and belief.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.



Executed this 8 day of November, 2012.

# EXHIBIT B

Chatham Imports, Inc. v. Washington Place LLC  
Opposition No. 91203706

Exhibit to Washington Place LLC's Reply to Opposer's Motion to Compel and Cross Motion to Compel  
a Response to Applicant's Interrogatory No. 32, offered by Applicant, Washington Place LLC



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www.collnip.com

E-mail: gdavis@collnip.com

January 29, 2013

**BY E-MAIL TO: tastitt@jonesday.com**

**CONFIRMATION BY MAIL**

Jones Day

901 Lakeside Avenue, North Point

Cleveland, OH 44114

Attention: Tracy A. Stitt, Esq.

RE: U.S. Trademark Opposition No. 91203706  
*Chatham Imports, Inc. v. Washington Place LLC*  
Our Reference : N552

Dear Ms. Stitt:

We are in receipt of your letter dated January 17, 2013, regarding Applicant's discovery responses. We address the unresolved discovery issues outlined in your January 17, 2013, letter and we also address Opposer's deficiencies discussed in your December 7, 2012, letter below:

Deficiencies in Opposer's Objections and Responses to Applicant's First Set of Interrogatories

**Interrogatory No. 3:** We note that Opposer has produced documents in lieu of a written response to certain parts of Interrogatory No. 3. However, information requested in subparts (d) and (e) are still outstanding. Applicant requests that Opposer supplement its response and indicate "the earliest date susceptible of proof when Opposer made such sales of goods in the United States" and "the identity of all persons having knowledge of the foregoing" as outlined in subparts (d) and (e) respectively.

**Interrogatory No. 8:** Interrogatory No. 8 does not request information relating to "all customers," as Opposer's December 7, 2012, letter alleges. Notwithstanding, and to resolve this dispute, Applicant will agree that



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ENVIRONMENTALLY SOUND LEGAL PRACTICE

Opposer may limit its response to Interrogatory No. 8 by identifying Opposer's classes of customers to whom its goods are offered and/or sold.

**Interrogatory Nos. 9, 17, and 42:** Opposer's December 7, 2012, response indicates that it is not necessary to supplement its response to Interrogatory Nos. 9, 17, and 42 because full information regarding the individuals is provided in Opposer's Initial Disclosures. However, an individual named in the responses to these Interrogatories, Vincent Arlotta, is not included in Opposer's initial disclosures, therefore, in order to answer these Interrogatories, Opposer must supplement its response by providing Mr. Arlotta's job title. Moreover, Opposer is entitled to this information in a sworn interrogatory response.

**Interrogatory No. 19:** Your December 7, 2012, response regarding this Interrogatory indicated that since the protective order is finalized, Opposer would supplement its produced documents. To date, we have not received documents regarding trademark searches completed prior to registration of the FARMER'S mark. Therefore, Opposer must supplement its response to Interrogatory No. 19.

**Interrogatory No. 24:** Interrogatory No. 24 asks Opposer to identify any time when Opposer sought the opinion of counsel regarding its rights in the FARMER'S mark prior to this opposition proceeding. Applicant's objection based on privilege is unfounded. This general information regarding dates or instances when Applicant sought the advice of counsel regarding its United States trademark rights in the FARMER'S mark does not disclose the substance of the communications with counsel, and is therefore discoverable. *See generally, American Standard, Inc. v. Pfizer, Inc.*, 828 F.2d 734, 745 (Fed. Cir. 1987). Thus, Opposer must supplement its response to Interrogatory No. 24.

**Interrogatory Nos. 29 and 41:** Opposer's objections to Interrogatory Nos. 29 and 41 based on vagueness are unfounded. As our previous letter notes, Opposer seeks a general description of prior or pending court actions, PTO proceedings or other controversies. Other controversies may include settlement and other contractual agreements or trademark disputes between Opposer and third parties. Therefore, Opposer must supplement its responses to Interrogatory Nos. 29 and 41.

**Interrogatory No. 32:** Opposer's objection that Interrogatory No. 32 is vague and ambiguous is unfounded. Interrogatory No. 32 asks Opposer to identify the "meaning, definition and connotation of Opposer's Mark." Using the

common interpretations of these terms, Applicant seeks information regarding the meaning behind the FARMER'S mark, how the words in the mark are defined and the meaning that the FARMER'S mark is intended to convey. Indeed, an explanation for selection of the FARMER'S mark can be found on Opposer's website. We are entitled to a verified response containing this information. Therefore, since this Interrogatory is not vague or ambiguous, Opposer must supplement its response to Interrogatory No. 32.

**Interrogatory No. 33:** Your December 7, 2012, response regarding this Interrogatory indicated that, since the protective order is finalized, Opposer would supplement its produced documents. To date, we have not received documents regarding the geographic area of advertising, promotion and marketing of products in connection with Opposer's Mark in the United States. Therefore, Opposer must supplement its response to Interrogatory No. 33.

**Interrogatory No. 36:** To resolve the dispute over this Interrogatory, Applicant will agree that Opposer may limit its response to Interrogatory No. 36 by identifying all officers of Opposer who were responsible for selection, adoption and use of the FARMER'S mark and explaining the responsibilities of each individual.

Deficiencies in Opposer's Objections and Responses to Opposer's First Set of Requests for Production of Documents

**Document Request Nos. 1-3, 5-9, 11, 15-17, 19-20, 23, 26-27:** Your December 7, 2012, response regarding the above-mentioned Document Requests indicated that, since the protective order is finalized, Opposer would supplement its document production. To date, we have not received documents referenced in the above-mentioned Requests. Therefore, Opposer must produce such responsive documents.

Applicant's Responses to Opposer's First Set of Interrogatories

**Interrogatory Nos. 1-3:** Applicant has supplemented its response to Interrogatory Nos. 1-3 and serves its supplemental response contemporaneously with this letter.

**Interrogatory Nos. 8-9:** As we previously noted, Applicant has not waived its objection that Opposer's number of Interrogatories exceeds the seventy-five (75) limit. Applicant's objection was not untimely. Opposer has clearly exceeded the limit imposed by 37 CFR § 2.120(d)(1) since the Interrogatories contain a total of thirteen (13) sub-parts and if Applicant answered these Interrogatories regarding each of its products, it exceeds the Board imposed limits. Please advise if you wish to reach a resolution on the scope of these Interrogatories, or if you prefer that we withdraw our other responses and proceed with just our objection to that basis. Additionally, these Interrogatories are overly broad and to force Applicant to answer each sub-part regarding each and every product that it has used or intends to use the KNOW THY FARMER mark in connection with is unduly burdensome and therefore improper.

**Interrogatory No. 17:** Applicant has fully responded to Interrogatory No. 17 regarding Applicant's zone of expansion. Information regarding dates of use and further information regarding related goods is outside the scope of this Interrogatory.

**Interrogatory No. 18-19:** Opposer's attempt to narrow the scope of Interrogatory Nos. 18 and 19 does not resolve the fact that these Interrogatories are overly broad, unduly burdensome, and ask Applicant to disclose all of the ultimate facts and conclusions relevant to its counterclaims or defenses, which ultimately will be decided by the Board. Unless you wish to further modify this Interrogatory, Applicant stands by its objections.

#### Applicant's Responses to Opposer's First Set of Document Requests

**Request Nos. 5, 7, and 16:** Applicant will supplement its responses to Document Request Nos. 5, 7, and 16.

Applicant requests that Opposer supplement its responses with full, complete and substantive answers and documents that support such answers by **February 6, 2013**. Once you have had the chance to review this letter, we are available if you wish to discuss this matter further by telephone.



Tracy Stitt  
January 29, 2013  
Page 5 of 5 – N552

We look forward to hearing from you.

Very truly yours,  
COLLEN /P

A handwritten signature in cursive script, appearing to read "Govinda M. Davis".

Govinda M. Davis

JAL/GMD

Enclosure: Applicant's Supplemental Interrogatory Responses

N552\_Letter to Ms Stitt re discovery deficiencies and enclosing supplementary interrogatory responses\_130129

# EXHIBIT C

Chatham Imports, Inc. v. Washington Place LLC  
Opposition No. 91203706

Exhibit to Washington Place LLC's Reply to Opposer's Motion to Compel and Cross Motion to Compel  
a Response to Applicant's Interrogatory No. 32, offered by Applicant, Washington Place LLC

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

CHATHAM IMPORTS, INC.,  
Opposer, Counterclaim Defendant,  
Counter-counterclaim Plaintiff,

vs.

WASHINGTON PLACE LLC,  
Applicant, Counterclaim Plaintiff,  
Counter-counterclaim Defendant.

**Opposition No. 91203706**

U.S. Serial No. 77/962,565  
For the Mark **KNOW THY FARMER**

**OPPOSER CHATHAM IMPORTS, INC.'S OBJECTIONS AND RESPONSES TO  
APPLICANT'S FIRST SET OF INTERROGATORIES**

Opposer, Chatham Imports, Inc. ("Opposer") hereby responds to Applicant Washington Place LLC's First Set of Interrogatories.

**GENERAL OBJECTIONS**

The following General Objections apply to all of Opposer's answers to Interrogatories.

1. Opposer responds to the Interrogatories subject to the accompanying objections, without waiving, and expressly preserving, all such objections.
2. Opposer objects to the Interrogatories to the extent that they seek to impose obligations beyond those imposed by the Federal Rules of Civil Procedure or the Rules of the Trademark Trial and Appeal Board, including, but not limited to, the number of Interrogatories which may be served.
3. Opposer objects to the Interrogatories to the extent that they are overly broad, unduly burdensome and seek information that is neither relevant to the subject matter of this action nor reasonably calculated to lead to the discovery of admissible evidence.
4. Opposer objects to the Interrogatories to the extent that they seek information protected by the attorney-client privilege, the attorney work-product doctrine and/or any other

applicable privilege or immunity. Inadvertent production or disclosure of any such information shall not constitute a waiver of any privilege or any other ground for objecting to discovery with respect to the subject matter thereof. Nor shall such inadvertent disclosure waive Opposer's right to object to the use of any such document or information during this action or in any subsequent proceeding.

5. Opposer objects to the Interrogatories to the extent that they seek information in the public record, or documents not in Opposer's possession, custody or control, or information available from third parties that is equally available to Applicant as to Opposer.

6. Opposer objects to the Interrogatories to the extent that they are not limited to any particular time frame, so that for Opposer to respond would be unduly burdensome.

7. Opposer objects to the definition of "Opposer" to the extent that it is overly broad and seeks to impose obligations greater than those imposed by the Federal Rules of Civil Procedure or the Rules of the Trademark Trial and Appeal Board.

8. Opposer objects to the definition of "goods" and "products" as overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence to the extent that it purports to include products sold by Opposer which are not identified by the mark depicted in U.S. Registration No. 3,829,294 (the "FARMER'S Mark").

9. The parties are currently negotiating modifications to the Board's Standard Protective Order. Pending agreement on a modified Protective Order, Opposer's responses to the Interrogatories are subject to the terms of the Board's Standard Protective Order.

10. No incidental or implied admissions are intended by these responses. Any statement that Opposer will produce documents in response to a given Interrogatory does not constitute a representation that Opposer actually possesses any such documents, or that such

documents exist at all, and shall not be construed as an admission with respect to any issue in this proceeding or discovery with respect thereto. Furthermore, any statement that Opposer will provide information or documents in response to a given Interrogatory does not constitute an admission that the literal scope of the Interrogatory is appropriate, or that Opposer has agreed to provide information or documents that fall within any inappropriate scope of the Interrogatory. If Opposer's response to any Interrogatory is that it will produce "responsive" documents and things, that means it will produce documents and things responsive only to that portion of the Interrogatory that is not objectionable on any stated basis.

11. The fact that Opposer has answered part or all of any Interrogatory is not intended to be, and shall not be construed to be a waiver by Opposer of any part of any objection to that Interrogatory, or of any right to object to any effort to compel responses beyond those provided herein.

12. Opposer's responses and associated production are based on its present knowledge, information and belief formed after conducting a reasonable inquiry. Said responses and document production are subject to such elaborations, supplementation, and to such additional document production as further information and investigation may produce. Discovery is ongoing, and Opposer reserves the right to amend these responses, and to present, at trial or otherwise, additional information discovered after the date of this response in accordance with the Federal Rules of Civil Procedure and the Rules of the Trademark Trial and Appeal Board.

13. These General Objections are hereby incorporated into each response to the Interrogatories. Any repetition is for emphasis only and not for the exclusion of any other General Objection.

## **INTERROGATORIES**

1. Indicate the name and address of any business, which Opposer presently maintains in connection with trademark usage or trademark licensing in the United States, and describe the type of business activities conducted.

### **RESPONSE:**

In addition to its General Objections, Opposer objects to the foregoing Interrogatory as vague and ambiguous with respect to the phrase “maintains in connection with trademark usage or trademark licensing.” Opposer further objects to this Interrogatory as overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence because it seeks information regarding the usage or licensing of trademarks not at issue in this proceeding.

Subject to, and without waiving, any of its objections, Opposer states as follows:

Opposer does not maintain a business dedicated to trademark usage or licensing.

2. Identify and describe each product sold, licensed, or expected to be sold or licensed by Opposer in connection with Opposer’s Mark, whether used alone, in typed form, or in conjunction with a design and/or stylized element.

### **RESPONSE:**

In addition to its General Objections, Opposer objects to the foregoing Interrogatory as compound.

Subject to, and without waiving, any of its objections, Opposer states as follows: The mark depicted in U.S. Trademark Registration No. 3,829,294 (the “FARMER’S Mark”) is used in connection with the sale of gin.

3. For each product identified in the answer to Interrogatory 2, identify:
- (a) the city or state in which said products are sold;
  - (b) the identity of all relevant documents showing or describing such products;
  - (c) the identity of documents related to such sales;
  - (d) the earliest date susceptible of proof when Opposer made such sales of goods in the United States;
  - (e) the identity of all persons having knowledge of the foregoing.

**RESPONSE:**

In addition to its General Objections, Opposer objects to this Interrogatory as overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence to the extent that it seeks the identity of all documents and all persons with any knowledge of goods sold in connection with the FARMER'S Mark. Opposer further objects to the foregoing Interrogatory as compound.

Subject to, and without waiving, any of its objections, Opposer states as follows:

Opposer first sold gin bearing the FARMER'S Mark in May of 2010. Opposer has sold gin bearing the FARMER'S Mark in at least the following states: Arizona, California, Colorado, Connecticut, Florida, Georgia, Illinois, Indiana, Kentucky, Massachusetts, Maryland, Minnesota, Montana, New Hampshire, New Jersey, New York, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Washington, Wisconsin and Wyoming. Opposer further states that Connie Kam, Director of Marketing, Chatham Imports, Inc.; Steven Ziegler, Vice President Wine & Spirits, Chatham Imports, Inc.; and Vincent Arlotta, Director of Finance, Chatham Imports, Inc., are knowledgeable regarding the promotion and sale of products under the FARMER'S Mark.

Opposer further responds as follows: Pursuant to Rule 33(d) of the Federal Rules of Civil Procedure, Opposer will produce documents sufficient to describe the products sold under the FARMER'S Mark and to identify the geographic area in which those products are sold.

4. Identify product literature or documents, including web sites, published by or for Opposer in connection with each of the products identified in the answer to Interrogatory 3, and indicate in your response whether those items identified comprise a complete listing or a representative sampling.

**RESPONSE:**

In addition to its General Objections, Opposer objects to the foregoing Interrogatory as vague and ambiguous with respect to the terms "product literature or documents" and "published." Opposer further objects to this Interrogatory as overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence to the extent that it seeks a "complete listing" of all marketing materials ever created relating to the products sold under the FARMER'S Mark.

Subject to, and without waiving, any of its objections, Opposer states as follows: Opposer operates the web site [www.farmersgin.com](http://www.farmersgin.com), which advertises and promotes products bearing the FARMER'S Mark. Opposer further states that pursuant to Rule 33(d) of the Federal Rules of Civil Procedure, Opposer will produce representative samples of marketing materials used in connection with the sale of products under the FARMER'S Mark.

5. With respect to the products sold by Opposer under Opposer's Mark, describe in detail the channels of trade in which such product(s) are marketed or sold.

**RESPONSE:**

Subject to, and without waiving, any of its objections, Opposer states as follows: Opposer sells gin bearing the FARMER'S Mark through traditional liquor channels. Because



the laws governing the sale of liquor vary from state to state, the channels used by Opposer also vary from state to state. In open states (where the state government does not participate in the sale of alcohol), Opposer sells its products to a licensed distributor. The licensed distributor then markets and sells those products to licensed accounts, such as bars, restaurants, hotels, clubs and retailers, as permitted by state law. In controlled states (where the state government participates in the sale of alcohol), Opposer appoints a broker as its representative to the state, and the state government purchases products from Opposer.

6. With respect to products Opposer anticipates offering and/or selling under Opposer's Mark, describe in detail the channels of trade in which such products will be marketed, offered or sold.

**RESPONSE:**

In addition to its General Objections, Opposer objects to the foregoing Interrogatory as cumulative of Interrogatory No. 5.

Subject to, and without waiving, any of its objections, Opposer states as follows: See response to Interrogatory No. 5.

7. As to the products identified by Opposer as being offered, sold or to be sold under Opposer's Mark, set forth the amount of sales in dollars in the United States since the first sale, broken down on a yearly basis, for each such product.

**RESPONSE:**

Subject to, and without waiving, any of its objections, pursuant to Rule 33(d) of the Federal Rules of Civil Procedure, Opposer will produce documents sufficient to identify its annual sales of products under the FARMER'S Mark since the date of first sale.

8. Identify Opposer's customers to whom its goods are offered and/or sold.

**RESPONSE:**

In addition to its General Objections, Opposer objects to the foregoing Interrogatory as overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence because it seeks identification of all customers to whom Opposer has sold and/or offered to sell any products.

9. Identify those individuals most knowledgeable about the nature of Opposer's goods sold under Opposer's Mark.

**RESPONSE:**

In addition to its General Objections, Opposer objects to the foregoing Interrogatory as vague and ambiguous with respect to the phrases "nature of" and "most knowledgeable."

Subject to, and without waiving, any of its objections, Opposer states as follows: Connie Kam, Steven Ziegler and Vincent Arlotta are knowledgeable regarding the products sold under the FARMER'S Mark.

10. On what date did Opposer first become aware of Applicant?

**RESPONSE:**

In addition to its General Objections, Opposer objects to the foregoing Interrogatory as vague and ambiguous with respect to the phrase "become aware of." Opposer further objects to this Interrogatory as overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence because it is not limited to Opposer's knowledge of Applicant's trademark.

Subject to, and without waiving, any of its objections, Opposer states as follows:

Opposer first learned of the mark depicted in U.S. Serial No. 77/962,565 after its publication in the Trademark Official Gazette on October 11, 2011.

11. On what date did Opposer become aware of Applicant's trademarks?

**RESPONSE:**

In addition to its General Objections, Opposer objects to the foregoing Interrogatory as vague and ambiguous with respect to the phrase "become aware of" and because of its use of the undefined term "Applicant's trademarks." Opposer further objects to this Interrogatory as overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence to the extent that it seeks information relating to trademarks that are not at issue in this proceeding.

Subject to, and without waiving, any of its objections, Opposer states as follows:

Opposer first learned of the mark depicted in U.S. Serial No. 77/962,565 after its publication in the Trademark Official Gazette on October 11, 2011.

12. On what date did Opposer become aware of Applicant's incorporation of the word "farmer" in its mark?

**RESPONSE:**

In addition to its General Objections, Opposer objects to the foregoing Interrogatory as vague and ambiguous with respect to the phrases "become aware of" and "its mark." Opposer further objects to this Interrogatory as cumulative of Interrogatory No. 11.

Subject to, and without waiving, any of its objections, Opposer states as follows:

Opposer first learned of the mark depicted in U.S. Serial No. 77/962,565 after its publication in the Trademark Official Gazette on October 11, 2011.

13. On what date did Opposer first become aware of Applicant's Mark?

**RESPONSE:**

In addition to its General Objections, Opposer objects to the foregoing Interrogatory as vague and ambiguous with respect to the phrase "become aware of." Opposer further objects to this Interrogatory as cumulative of Interrogatory Nos. 11 and 12.

Subject to, and without waiving, any of its objections, Opposer states as follows:

Opposer first learned of the mark depicted in U.S. Serial No. 77/962,565 after its publication in the Trademark Official Gazette on October 11, 2011.

14. Identify the date of first use in commerce for Opposer's Mark.

**RESPONSE:**

Subject to, and without waiving, any of its objections, Opposer states as follows:

Opposer first used the FARMER'S mark in commerce at least as early as May of 2010.

15. Identify and explain the reasons for Opposer's choice of the Opposer's Mark as its trademark.

**RESPONSE:**

In addition to its General Objections, Opposer objects to the foregoing Interrogatory as vague and ambiguous with respect to the phrase "Opposer's choice."

Subject to, and without waiving, any of its objections, Opposer states as follows: When Opposer decided to release a new gin product, it first considered creating a line extension of its existing brand names, including CHATHAM® and CROP HARVEST EARTH®. The decision was made to create a new brand, which led to the suggestion of the FARMER'S Mark. Opposer adopted the mark after conducting a clearance search of the records of the United States Patent and Trademark Office.

16. Identify all alternative marks considered by the Opposer before adopting Opposer's Mark.

**RESPONSE:**

In addition to its General Objections, Opposer objects to the foregoing Interrogatory as overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence because alternative marks considered by Opposer are not relevant to this proceeding. Opposer further objects to this Interrogatory as vague and ambiguous with respect to the terms "alternative marks" and "considered."

Subject to, and without waiving, any of its objections, Opposer states as follows: See response to Interrogatory No. 15.

17. Identify each person having knowledge of the dates and circumstances surrounding Opposer's adoption, first use and/or alleged trademark use of Opposer's Mark.

**RESPONSE:**

In addition to its General Objections, Opposer objects to the foregoing Interrogatory as vague and ambiguous with respect to the phrase "circumstances surrounding." Opposer further objects to this Interrogatory as overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence to the extent that it seeks the identity of all individuals with any knowledge concerning Opposer's adoption and use of the FARMER'S Mark.

Subject to, and without waiving, any of its objections, Opposer states as follows: Connie Kam, Steven Ziegler and Vincent Arlotta have knowledge regarding Opposer's adoption and first use of the FARMER'S Mark.

18. Did Opposer conduct a search, or is Opposer aware of any searches conducted or authorized by Opposer in the U.S. Patent and Trademark Office or elsewhere in the United States, prior to the adoption and use of Opposer's Mark?

**RESPONSE:**

In addition to its General Objections, Opposer objects to the foregoing Interrogatory as overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence to the extent that it seeks information relating to any searches conducted for any purpose prior to the adoption of the FARMER'S Mark. Opposer further objects to this Interrogatory as vague and ambiguous with respect to the phrases "any searches" and "or elsewhere." Opposer also objects to this Interrogatory to the extent that it seeks information that is subject to the attorney-client privilege, the attorney work-product doctrine and/or any other applicable privilege or immunity.

Subject to, and without waiving, any of its objections, Opposer states as follows: A search of the records of the United States Patent and Trademark Office was conducted prior to the adoption of the FARMER'S Mark.

19. Identify the results and contents of any searches as described in the answer to Interrogatory 18 above.

**RESPONSE:**

In addition to its General Objections, Opposer objects to the foregoing Interrogatory as vague and ambiguous with respect to the phrase "results and contents of any searches." Opposer further objects to this Interrogatory to the extent that it seeks information that is subject to the attorney-client privilege, the attorney work-product doctrine and/or any other applicable privilege or immunity.

Subject to, and without waiving, any of its objections, pursuant to Rule 33(d) of the Federal Rules of Civil Procedure, Opposer will produce non-privileged documents sufficient to

show the results of the search identified in response to Interrogatory No. 18 to the extent they exist and can be located after a reasonable search.

20. Identify any inquiry to Opposer concerning any relationship between Applicant and the Opposer.

**RESPONSE:**

In addition to its General Objections, Opposer objects to the foregoing Interrogatory as vague and ambiguous with respect to the terms “inquiry” and “relationship.” Opposer further objects to this Interrogatory as overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence to the extent that it is unbounded as to time.

Subject to, and without waiving, any of its objections, Opposer states as follows: At this time, Opposer is not aware of any such inquiries.

21. Identify those documents you expect to introduce into evidence at the trial of this matter by stating the title and general nature of the document, and identify the person having custody, possession or control of the document.

**RESPONSE:**

In addition to its General Objections, Opposer objects to the foregoing Interrogatory as premature and to the extent that it seeks to impose obligations beyond those imposed by the Federal Rules of Civil Procedure or the Rules of the Trademark Trial and Appeal Board.

Subject to, and without waiving, any of its objections, Opposer states as follows: Opposer will identify exhibits as required by the Procedural Schedule set by the Board.

22. Identify any periods of time in excess of three consecutive months since the date of Opposer's first use of Opposer's Mark when the mark has not been used in relation to the sale of the goods.

**RESPONSE:**

Subject to, and without waiving, any of its objections, Opposer states as follows: None.

The FARMER'S Mark has been in use consistently since May of 2010.

23. Explain the reason for any periods of non-use identified in the answer to Interrogatory 22 above.

**RESPONSE:**

Subject to, and without waiving, any of its objections, Opposer states as follows: See response to Interrogatory No. 22.

24. Without identifying the substance of the communications, identify any time when Opposer – prior to the institution of the present proceeding – ever sought the opinion of legal counsel concerning its rights to claim ownership of Opposer's Mark in the United States.

**RESPONSE:**

In addition to its General Objections, Opposer objects to the foregoing Interrogatory as overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence because Washington Place LLC's attempt to register the mark KNOW THY FARMER, and not the conduct of other entities, is at issue in this proceeding. Opposer further objects to this Interrogatory because it seeks information that is subject to the attorney-client privilege and/or the work-product doctrine.



25. Identify any license agreements with respect to any goods bearing Opposer's Mark.

**RESPONSE:**

In addition to its General Objections, Opposer objects to the foregoing Interrogatory as overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence to the extent that it seeks any license agreement that in any way relates to any product sold under the FARMER'S Mark.

Subject to, and without waiving, any of its objections, Opposer states as follows: It has not entered into any agreements licensing the rights to use the FARMER'S Mark.

26. Identify any correspondence with any licensee identified in the response to Interrogatory 25 above.

**RESPONSE:**

In addition to its General Objections, Opposer objects to the foregoing Interrogatory as overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence to the extent that it seeks any correspondence with any licensee, regardless of whether such correspondence relates to any claims or defenses in this proceeding.

Subject to, and without waiving, any of its objections, Opposer states as follows: See response to Interrogatory No. 25.

27. Identify the gross sales in connection with number of goods sold under Opposer's Mark pursuant to any license arrangement identified in the response to Interrogatory 25 above.

**RESPONSE:**

In addition to its General Objections, Opposer objects to the foregoing Interrogatory as vague and ambiguous with respect to the phrase "gross sales in connection with number of goods."

Subject to, and without waiving, any of its objections, Opposer states as follows: See response to Interrogatory No. 25.

28. Identify the terms of any license pertaining to use of Opposer's Mark.

**RESPONSE:**

In addition to its General Objections, Opposer objects to the foregoing Interrogatory as vague and ambiguous with respect to the term "terms."

Subject to, and without waiving, any of its objections, Opposer states as follows: See response to Interrogatory No. 25.

29. Identify all prior or pending court actions or Patent and Trademark Office proceedings or other controversies involving Opposer's Mark, and include in your response the parties involved and the resolution or status (e.g. judgment, settlement, consent agreement, dismissed with prejudice, dismissed without prejudice, etc.).

**RESPONSE:**

In addition to its General Objections, Opposer objects to the foregoing Interrogatory as overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence because Washington Place LLC's attempt to register the mark KNOW THY FARMER, and not the conduct of other entities, is at issue in this proceeding. Opposer further objects to this Interrogatory as vague and ambiguous with respect to the term "other controversies." Opposer also objects to this Interrogatory to the extent that it seeks information that is subject to the attorney-client privilege, the work-product doctrine and/or any other applicable privilege or immunity.

Subject to, and without waiving, any of its objections, Opposer states as follows: There are no other currently pending court actions or Patent and Trademark Office proceedings relating to the FARMER'S Mark.

30. Identify all documents, which will show the geographic area of use of Opposer's Mark.

**RESPONSE:**

In addition to its General Objections, Opposer objects to the foregoing Interrogatory as overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence to the extent that it seeks all documents which relate to the geographic area of use of the FARMER'S Mark. Opposer further objects to this Interrogatory as cumulative of Interrogatory No. 3.

Subject to, and without waiving, any of its objections, Opposer states as follows: See response to Interrogatory No. 3. Further responding, pursuant to Rule 33(d) of the Federal Rules of Civil Procedure, Opposer will produce documents sufficient to show the geographic areas in which the FARMER'S Mark is used.

31. Identify all instances within the knowledge of Opposer of actual confusion between Opposer's Mark and Applicant's Mark.

**RESPONSE:**

Subject to, and without waiving, any of its objections, Opposer states as follows: At this time, Opposer is not aware of any instances of actual confusion.

32. Identify the meaning, definition and connotation of Opposer's Mark.

**RESPONSE:**

In addition to its General Objections, Opposer objects to the foregoing Interrogatory as vague and ambiguous with respect to the phrase "the meaning, definition and connotation." Opposer further objects to this Interrogatory to the extent that it implies that the FARMER'S Mark is susceptible to a single meaning. Opposer also objects to this Interrogatory as compound.

Subject to, and without waiving, any of its objections, Opposer states as follows: The FARMER'S Mark is the possessive form of the word "farmer."

33. Identify all documents, which will show the geographic area of advertising, promoting and marketing of products in connection with Opposer's Mark in the United States.

**RESPONSE:**

In addition to its General Objections, Opposer objects to the foregoing Interrogatory as overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence to the extent that it seeks all documents relating to the advertising, promotion, and marketing of products sold under the FARMER'S Mark. Opposer also objects to this Interrogatory as cumulative of Interrogatory Nos. 3 and 30.

Subject to, and without waiving, any of its objections, pursuant to Rule 33(d) of the Federal Rules of Civil Procedure, Opposer will produce documents sufficient to show the geographic area of the advertising, promotion, and marketing of products sold under the FARMER'S Mark. Opposer further states as follows: See response to Interrogatory Nos. 3 and 30.

34. Identify each of the media outlets used by Opposer to advertise Opposer's products offered in connection Opposer's Mark in the United States.

**RESPONSE:**

Subject to, and without waiving, any of its objections, pursuant to Rule 33(d) of the Federal Rules of Civil Procedure, Opposer will produce documents sufficient to identify the media outlets used by Opposer to advertise the products sold under the FARMER'S Mark.

35. Identify each trade show or exhibition at which Opposer has offered any goods in connection with Opposer's Mark for sale in the United States for the past three years.

**RESPONSE:**

In addition to its General Objections, Opposer objects to the foregoing Interrogatory as vague and ambiguous with respect to the phrase "trade show or exhibition."

Subject to, and without waiving, any of its objections, Opposer states that it has exhibited, or intends to exhibit, gin bearing the FARMER'S Mark at the following trade shows:

**2010**

April 28th – R&R Marketing Trade Tasting | New Jersey  
May 3rd – Carolina Trade Tasting | Western, MA  
May 4th – Carolina Trade Tasting | Cape Cod, MA  
May 12th – R&R Marketing Trade Tasting | Cape May, NJ  
May 14th – 18th – Manhattan Cocktail Classic | New York, NY  
May 24th – Toast of the Town | New York, NY  
July 20th – Tales of the Cocktail | New Orleans, LA  
June 24th – Whiskey Classic | DC  
June 28th – Cocktail Jam | New York, NY  
August 12th – Newport Winefest | Newport, RI  
September 14th – Carolina Trade Tasting | Boston, MA  
September 21st – R&R Trade Tasting | Cedar Grove, NJ  
October 20th – New Jersey State Liquor Store Alliance Trade Tasting | Edison, NJ  
October 8th – Whiskey Fest | San Francisco, CA  
October 15th – Ultimate Beverage Challenge | New York, NY  
November 9th – Whiskey Fest | New York, NY

**2011**

March 4th – NYU Stern Think social, Drink Local event  
March 14th – Nightclub & Bar show | Las Vegas, NV

March 22nd – R&R Marketing Trade Tasting | New Jersey  
 April 7th – Toast of The Town | San Francisco, CA  
 April 13th – Carolina Trade Tasting | Western, MA  
 April 14th – Whiskey Guild | Philadelphia, PA  
 April 14th – Carolina Trade Tasting | Cape Cod, MA  
 April 26th – R&R Marketing Trade Tasting | Cape May, NJ  
 May 5th – Toast of the Town | New York, NY  
 May 11th – Manhattan Cocktail Classic | New York, NY  
 May 20th – Toast of the Town | Washington, DC  
 June 1st – 3rd – Slow living Summit | Vermont  
 June 11th – Food & Wine Classic | Aspen, CO  
 June 17th – Toast of the Town | Chicago, IL  
 June 20th – Tales of the Cocktail | New Orleans, LA  
 August – TPSA Show | Texas  
 August 20th & 21st – Newport Winefest | Newport, RI  
 September 7th – Carolina Trade Tasting | Boston, MA  
 September 18th – WorldWide Wines Trade Tasting | North Haven, CT  
 September 20th – R&R Trade Tasting | Cedar Grove, NJ  
 September 21st – Organic Trade Association | Baltimore, MD  
 September 23rd – Toast of the Town | Miami, FL  
 September 28th – Indy Spirit Fest | Chicago, IL  
 October 3rd – MS Walker Trade Tasting | Providence, RI  
 October – Whiskey Fest | San Francisco, CA  
 October 14th – Ultimate Beverage Challenge | New York, NY  
 October 16th – New Jersey State Liquor Store Alliance Trade Tasting | Edison, NJ  
 October 18th – Reach for the Stars Event | Boston, MA

## **2012**

February 28th – Edible Magazine Event | New York, NY  
 March 11th – Nightclub & Bar Show | Las Vegas, NV  
 March 20th – R&R Marketing Trade Tasting | Farmingdale, NJ  
 March 28th – Carolina Trade Tasting | Cape Cod, MA  
 April 22nd – DISCUS Craft Distillers Tasting | Midway, KY  
 April 23rd – Brescome Barton Trade Tasting | New Haven, CT  
 May 1st – R&R Marketing Trade Tasting | Cape May, NJ  
 May 3rd – Toast of the Town | New York, NY  
 May 30th & 31st – Slow Living Summit | Vermont  
 June 6th – DISCUS Craft Distillers Tasting | DC  
 June 8th – Toast of the Town | Chicago, IL  
 June 12th – Food & Wine Classic | Aspen, CO  
 June 22nd – Toast of the Town | Washington, DC  
 June 22nd – Killer Tomato Festival | Atlanta, GA  
 August 6th – TPSA Show | Texas  
 September 9th – WorldWide Wines Trade Tasting | North Haven, CT  
 September 9th – Taste Event | Los Angeles, CA  
 September 10th – Brescome Barton Trade Tasting | Boston, MA

September 11th – MS Walker Trade Tasting | Providence, RI  
September 18th – R&R Marketing Trade Tasting | Atlantic City, NJ  
September 19th – Carolina Trade Tasting | Boston, MA  
October 3rd – Indy Spirit Tasting | Chicago, IL  
October 6th – Delray Bash | Delray, FL  
October 5th – Whiskey Fest | San Francisco, CA  
October 13th & 14th – Craft Spirit Carnival | San Francisco, CA  
October 14th – 16th Retail Beverage Council | St. Augustine, FL  
October 17th – New Jersey State Liquor Store Alliance Trade Tasting | Edison, NJ  
October 20th – Dallas Whiskey & Fine Spirit Event | Addison, TX  
November 8th – Premier Beverage Holiday Trade Tasting | Key West, FL  
November 9th & 10th – Cigar Aficionado Big Smoke Event | Las Vegas, NV  
November 14th – Beverage Distributor Holiday Trade Tasting | Vail, CO  
November 15th – Beverage Distributor Holiday trade Tasting | Aspen, CO  
November 29th – Cigar Aficionado Big Smoke Event | New York, NY

36. Identify all officers of Opposer and explain the responsibilities of each individual.

**RESPONSE:**

In addition to its General Objections, Opposer objects to the foregoing Interrogatory as overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence because it seeks the identity and responsibilities of all of Opposer's officers, regardless of whether they have any responsibilities relating to the sale of products under the FARMER'S Mark.

37. Identify the basis for Opposer's claim that Applicant's Mark will damage Opposer and/or the public.

**RESPONSE:**

In addition to its General Objections, Opposer objects to the foregoing Interrogatory as premature because discovery is ongoing.

Subject to, and without waiving, any of its objections, Opposer states as follows:

Opposer has priority over Application Serial No. 77/962,565 because Opposer's intent-to-use

application for the FARMER'S Mark was filed on May 1, 2009 and Applicant's intent-to-use application was filed on March 18, 2010. Opposer began using the FARMER'S Mark in commerce in May of 2010, and has used it consistently since that date. The mark depicted in Application Serial No. 77/962,565 is confusingly similar to the FARMER'S Mark in appearance, sound, meaning, and overall commercial impression. The goods identified in Application Serial No. 77/962,565 are likely to travel in the same or similar channels of trade as Opposer's goods sold under the FARMER'S Mark, and will likely be purchased by the same class of consumers, causing consumers and the trade to wrongly associate Applicant's products with Opposer, and causing the purchasing public to assume that goods bearing the designation "KNOW THY FARMER" emanate from, or are approved, licensed, or sponsored by Opposer, have the same source as Opposer's products, or that Applicant is affiliated with Opposer and its business. Opposer will be damaged by the registration sought by Applicant because such registration will support and assist Applicant in the confusing and misleading use of the "KNOW THY FARMER" designation, and will give color of exclusive statutory rights in Applicant in violation and derogation of the prior and superior rights of Opposer.

38. Describe the specific components of Opposer's Mark.

**RESPONSE:**

In addition to its General Objections, Opposer objects to the foregoing Interrogatory as vague and ambiguous with respect to the term "specific components."

Subject to, and without waiving, any of its objections, Opposer states as follows: The mark is a standard character mark that consists of the word "FARMER'S."



39. Describe how Opposer's Mark appears on packaging or in advertising related to goods that Opposer offers for sale in conjunction with Opposer's Mark.

**RESPONSE:**

In addition to its General Objections, Opposer objects to the foregoing Interrogatory as vague and ambiguous with respect to the term "appears."

Subject to, and without waiving, any of its objections, pursuant to Rule 33(d) of the Federal Rules of Civil Procedure, Opposer will produce documents sufficient to show how the FARMER'S Mark is used on packaging and in advertisements.

40. Identify any communication or instance where a person has contacted or communicated with Opposer believing Opposer is related to, sponsored by, or controlled by Applicant.

**RESPONSE:**

In addition to its General Objections, Opposer objects to the foregoing Interrogatory as cumulative of Interrogatory No. 31.

Subject to, and without waiving, any of its objections, Opposer states as follows: See response to Interrogatory No. 31.

41. Identify all present and prior trademark disputes between Opposer and any third party involving or concerning Opposer's Mark.

**RESPONSE:**

In addition to its General Objections, Opposer objects to the foregoing Interrogatory as vague and ambiguous with respect to the term "disputes." Opposer further objects to this Interrogatory as overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence because Washington Place LLC's attempt to register the mark KNOW THY FARMER, and not the conduct of other entities, is at issue in this proceeding.

Opposer also objects to this Interrogatory to the extent that it seeks information that is subject to the attorney-client privilege, the work-product doctrine and/or any other applicable privilege or immunity. Opposer further objects to this Interrogatory as cumulative of Interrogatory No. 29.

Subject to, and without waiving, any of its objections, Opposer states as follows: See response to Interrogatory No. 29.

42. Identify all persons who have participated in any way in the preparation of the answer and responses to these Interrogatories. If more than one individual is identified, state specifically, with reference to Interrogatory numbers, the areas of participation of each such person.

**RESPONSE:**

In addition to its General Objections, Opposer objects to the foregoing Interrogatory as vague and ambiguous with respect to the term “areas of participation.” Opposer further objects to this Interrogatory as overly broad and unduly burdensome to the extent that it seeks the identity of all persons who participated in any way in the preparation of these responses.

Subject to, and without waiving, any of its objections Opposer states as follows: In addition to counsel, Connie Kam, Steven Ziegler and Vincent Arlotta assisted in the preparation of these responses.

Dated this 9<sup>th</sup> day of November, 2012.

As to objections:

By:



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ATTORNEYS FOR OPPOSER  
*Chatham Imports, Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 9<sup>th</sup> day of November, 2012, a true and correct copy of the above and foregoing document entitled OPPOSER CHATHAM IMPORTS, INC.'S OBJECTIONS AND RESPONSES TO APPLICANT'S FIRST SET OF INTERROGATORIES was served via overnight courier on the following:

Jeffrey Lindenbaum  
Collen IP  
The Holyoke-Manhattan Building  
80 South Highland Avenue  
Ossining, New York 10562  
Attorney for Applicant

  
\_\_\_\_\_  
Attorney for Opposer  
*Chatham Imports, Inc.*


**VERIFICATION**

I, Connie Kam, for and on behalf of Opposer Chatham Imports, Inc. ("Chatham"),  
declare as follows:

1. I am duly authorized to execute this verification on behalf of Chatham;
2. I have read Opposer Chatham Imports, Inc.'s Objections and Responses to  
Applicant's First Set of Interrogatories and am aware of its contents;
3. I hereby verify that to the best of my present knowledge and beliefs the foregoing  
Interrogatory answers are true and accurate;

I declare under penalty of perjury under the laws of the United States of America that the  
foregoing statements are true and correct to the best of my knowledge, information, and belief.

Dated: Nov. 9, 2012

  
\_\_\_\_\_  
Connie Kam  
Director of Marketing  
Chatham Imports, Inc.